

September 16, 2016

SUBMITTED ELECTRONICALLY VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW Washington, DC 20554

FCC Docket 02-6

Re: Appeal of Grand View Public Schools (BEN: 140213), for denial of FY 2013 Application 904812 FRN 2461856 and FY 2014 Application 993103 FRN 2710411

Pursuant to 47 C.F.R. § 54.719(a), Grand View hereby respectfully submits this appeal of decisions by the Universal Service Administrative Company (USAC) to deny FRN 2461856 for Funding Year 2013 and FRN 2710411 for Funding Year 2014.

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The reason for denial on the FCDL:

“The FRN is denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. The FCC codified in the Ysleta Order, that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to the prices available commercially and stated that ‘there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost effective, absent extenuating circumstances.’”

Signed:

_____/s/

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I. INTRODUCTION

Grand View Public Schools (Grand View or the District) hereby respectfully requests that the Universal Service Administrative Company (USAC) reverse its decision to deny Schools and Libraries (E-rate) universal service funding to Grand View for its FRN 2461856 on 471 Application Number 904812 for Funding Year 2013 and FRN 2710411 on 471 Application Number 993103 for Funding Year 2014.

USAC denied the District's request for funding because USAC claims that the District did not select the most cost-effective bidder to provide its Internet access services. To the contrary, as the discussion below will explain, the District satisfied all of the program's competitive bidding rules and selected the most cost-effective services, when it considered price and its other evaluation criteria. USAC's use of a bright-line standard is contrary to Commission precedent stating no such bright-line test exists, and, regardless, *Ysleta* is not applicable here.

Upholding the denials of these applications will preclude a fair and open competitive bidding process in which all bids are fairly evaluated, render the competitive bidding process meaningless and will force schools to select a lower-cost bid, even if not the most cost-effective, contrary to program rules – and possibly their own competitive bidding requirements. For practical purposes, this ruling by USAC will make price the only factor that matters in the E-rate competitive bidding process. That will result in many applicants selecting services that do not provide the best value for them or, therefore, the E-rate program. Such an outcome would not serve the E-rate program or statutory goals. Thus, we respectfully ask USAC to reverse its decision and grant funding to the District for the funding request at issue.

II. BACKGROUND

Grand View is a small, rural school district in Eastern Oklahoma. The District serves over 500 students and at the time that the competitive bidding process was conducted, the district had one IT person on staff.¹

For Funding Year 2013 the District filed a 470 requesting bids for Internet access and additional services.² The District also released a Request for Proposal on November 12th, 2012.³ Included in this RFP were requests for Internet access and other unrelated services.

The District received three bids for the Internet access portion of the RFP: Meet Point Networks, AT&T and Skyriders Communications. After carefully evaluating the bids received, the District selected Meet Point Networks to provide their Internet access under a multi-year contract.⁴ For Funding Year 2014, the District continued their Internet access funding requests through Meet Point Networks on FCC 471 # 993103.⁵

On April 27th, 2016 USAC issued a Funding Commitment Decision Letter that denied the funding request for Meet Point services on FRN 2710411.⁶ The reason for the denial states:

“The FRN is denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. The FCC codified in the Ysleta Order, that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to the prices available commercially and stated that ‘there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a

¹ Affidavit of Cheryl Beaman, paragraph 4

² FCC Form 470 #707230001080416 (FY 2013 Form 470).

³ See Exhibit 1, RFP

⁴ 2013 FCC Form 471 # 904812, Exhibit 3. The services also include 24 x 7 troubleshooting and repair, onsite visits to restore Internet access, firewall services, and email and web hosting.

⁵ 2014 FCC Form 471 # 993103, Exhibit 4. The services also include 24 x 7 troubleshooting and repair, onsite visits to restore Internet access, firewall services, and email and web hosting.

⁶ Exhibit 4, Funding Commitment Decision Letter, dated 4/27/2016.

proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost effective, absent extenuating circumstances.”

On May 20th, 2016 USAC issued a Notification of Commitment Adjustment Letter that denied the funding request for Meet Point services on FRN 2461856.⁷ The reason for the denial states:

“The FRN is denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. The FCC codified in the Ysleta Order, that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to the prices available commercially and stated that ‘there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost effective, absent extenuating circumstances.’”

Grand View received USAC Appeal Denial Letters for 2013 on August 5, 2016 and for 2014 on July 19, 2016.⁸

By this letter, the District appeals USAC’s decision to rescind its funding commitments. Commission rules allow 60 days for the filing of an appeal to the FCC.⁹ Because this appeal is filed within 60 days of USAC’s decision, it is timely filed.

III. BECAUSE GRAND VIEW SELECTED THE MOST COST-EFFECTIVE SERVICES, ITS E-RATE APPLICATION FOR FY 2013 and FY 2014 SHOULD BE RE-INSTATED

Federal Communications Commission rules require applicants to seek competitive bids for all services and equipment eligible for E-rate discounts.¹⁰ Applicants are required to “carefully consider all bids submitted” and to select “the most cost-effective service offering”

⁷ Exhibit 6, Notification of Commitment Adjustment Letter, dated 5/20/2016.

⁸ Administrator’s Decision Letters for 2015, 2014 and 2013, Exhibit 7.

⁹ 47 C.F.R. § 54.719(a); 47 C.F.R. § 54.720(b).

¹⁰ See 47 C.F.R. § 54.503(a)-(b) (2014). See also *In the Matter of Fed.-State Joint Bd. on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 97-157 at ¶ 480 (1997) (*First Universal Service Order*) (finding that “fiscal responsibility compels us to require that eligible schools and libraries seek competitive bids for all services eligible for [E-rate] discounts.”).

using the price of eligible goods and services as the primary factor.¹¹ Under section 54.511(a) of the Commission’s rules, an applicant “may consider relevant factors other than the pre-discount prices” submitted by providers to determine which service offering is the most cost-effective, so long as price is the primary factor considered.¹²

The Commission’s *Tennessee Order* ruled there is a presumption of cost-effectiveness when the applicant meets all of the requirements of the competitive bidding process and when the applicant pays its share of the costs.¹³ Nevertheless, USAC alleges that the District did not select the most cost-effective service offering. USAC claims that the District’s selection of services that cost more than two times another bid violates the Commission’s directive in *Ysleta*.¹⁴ The “standard” used by USAC, however, has never been adopted by the Commission as a bright-line standard for cost-effectiveness. USAC is also applying this standard to compare bids that provide different service components (that are eligible). Further, the dicta in *Ysleta* is not applicable to this case.

A. Grand View Followed E-rate Competitive Bidding Rules to Select the Most Cost-Effective Bid, Contrary to USAC’s Allegations.

In the *Universal Service Order* establishing the E-rate program, the Commission agreed with the recommendation of the Federal-State Joint Board on Universal Service that schools and libraries should not be required to choose the lowest-priced service but instead should be allowed the “**maximum flexibility**” to take service quality into account and to choose the offering or

¹¹ *Id.* at § 54.511(a) (2012) and (2014). *See also* 47 C.F.R. §§ 54.503(c)(2)(vii), 54.504(a)(1)(xi) (2012) (requiring applicants to certify on FCC Forms 470 and 471 respectively that the most cost-effective bid will be or was selected).

¹² 47 C.F.R. § 54.511(a).

¹³ *Tennessee Order* at ¶¶ 9-12 .

¹⁴ *See* Funding Commitment Decision Letter; *Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District El Paso, Texas, et al.*, Order, FCC 03-313, 18 FCC Rcd 26407, n. 138 (2003) (*Ysleta Order*).

offerings that meets their needs ‘most effectively and efficiently.’”¹⁵ In the *Second Report and Order*, the Commission codified the requirement that price must be the primary factor when applicants analyze bids they have received.¹⁶

Significantly, the Commission’s rules have never required schools and libraries to select a provider offering a lower price, even among bids for comparable service.¹⁷ Given that price, as a category, only has to be weighted one point higher than any other category,¹⁸ however, it is quite likely that a vendor could be awarded fewer points in the cost category yet still win the bid based on points earned in the technical (non-price) categories. In fact, the Commission has stated repeatedly that price cannot be the only factor for the obvious reason that “price cannot be properly evaluated without consideration of what is being offered.”¹⁹

The District met the Commission’s requirements by giving more weight to price than to any other factor it used in the selection process and by appropriately awarding points in the other non-cost factors. The bid evaluation sheets used by the District allotted a maximum of 25 points

¹⁵ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, at ¶ 481 (1997) (*Universal Service Order*) (quoting the Joint Board’s recommendation).

¹⁶ *See Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Second Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 9202, FCC 03-101 (2003) (codifying 47 C.F.R. § 54.511(a)) (*Second Report and Order*); *see also School and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808 (2004) (codifying 47 C.F.R. § 54.504(b)(2)(vii) and 47 C.F.R. § 54.504(c)(1)(xi)) (*Fifth Report and Order*).

¹⁷ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9029, para. 481 (1997) (subsequent history omitted) (*Universal Service Order*). *See also Tennessee Order* at ¶ 9 (“Even among bids for comparable services, however, this does not mean that the lowest bid must be selected.”).

¹⁸ If, for example, a school assigns 10 points to reputation and 10 points to past experience, the school would be required to assign at least 11 points to price. *See Ysleta Order* at ¶ 50, n. 138.

¹⁹ *Tennessee Order* at ¶ 8.

for the price of eligible goods and services.²⁰ The other categories – service history, expertise of company, understanding of needs/completeness of bids, and the location of the company – all had maximum points of 20 or fewer.²¹

Grand View received three bids for its Internet access services. In addition to the price category, as described above, Grand View evaluated bidders based on service history; the expertise of the company; understanding of the district’s needs/completeness of bids; and the location of the company. In the bid evaluation process, AT&T received the most points for the Price of Eligible Goods and Services: 21 points. Meet Point scored highly for Service History, Expertise of Company and Understanding of Needs. Totals awarded to the bidders were: AT&T 71 points; Skyriders 85 points and Meet Point Networks 97 points.²²

Most importantly, Grand View considered the quality of service, as the Commission explicitly recognized in *Tennessee*, and selected the bid that met its needs “most effectively and efficiently.”²³ To meet the needs of its students and teachers, Grand View required an Internet access service that provided strong network security.²⁴ Meet Point received higher scores for Expertise of Company bid criteria because the district had direct previous experience with Meet Point staff and Meet Point and offered services that AT&T and Skyriders did not include on their bid – specifically firewall services. Additionally, Meet Point received additional points for their direct line of communication – when issues arose with Meet Point the school had the cell phone numbers for the principals in the company. These services and the direct line of communication are especially important to a school district that had only one person on staff for their IT needs.

²⁰ Bid Evaluation Sheets, Exhibit 8.

²¹ *Id.*

²² *Id.*

²³ *Tennessee Order* at ¶ 9

²⁴ Beaman Aff. Para.10(iv)

Grand View felt that it was essential that it had a company that could resolve any issues in the most expeditious manner possible.²⁵ It was not beneficial for the district to have a service that required a lot of staff time in the restoration process. When the Internet is down, the teacher cannot skip a lesson or wait until next week when the Internet is working again. Every minute of classroom time is valuable, especially with the demands upon the education system today. Similarly, online testing cannot be pushed to a different time. Therefore, service quality (and the ability to quickly restore that service) is an essential component of the selection process.

Meet Point received higher scores in the non-price categories based upon the District's direct experience with the people that ran Meet Point in previous funding year. The staff at Meet Point had been responsible for initiation of the Internet services; configuration of the router; determining the cause of any issues with the services and resolving those issues; and the configuration, administration and issue-resolution of email services. Their work ethic demonstrated a commitment to providing the best services for the District. In addition, Meet Point's technical expertise far exceeded that of other companies. As the Commission has noted, "[A] school should have the flexibility to select different levels of services, to the extent such flexibility is consistent with that school's technology plan and ability to pay for such services."²⁶ The quality of service and responsiveness when problems arise are especially important to small districts that have no full time employees focusing on technology.

In the category "understanding the District's needs," Meet Point offered services not offered by the other providers, onsite visits to restore Internet access, and firewall services. As noted by the Commission, applicants cannot properly consider price without consideration of

²⁵ Beaman Aff. Para. 10(v)

²⁶ *Tennessee*, Para. 9

what services are being offered. Here, Meet Point offered additional services that the other bidders did not include in their bid proposals.

Compared with the positive Service History provided by Meet Point the previous service history the District had with AT&T could best be described as a nightmare. In Funding Year 2011 the district contracted with AT&T to provide 100 mb of Internet access. AT&T guaranteed in their contract that the school would have their 100 Mb service by August 1st.²⁷ Despite those assurances, AT&T was not able to meet their commitment. As Cheryl Beaman wrote in her Affidavit:

The District had planned for a one-to-one initiative and teachers were trained in using technology on a one to one basis. Lesson Plans were developed for the first month of school. An open house was planned and advertised to all parents requiring their attendance and training regarding the 1:1 program. During the implementation of the program which involved parent and student participation prior to school starting AT&T could not provide the 100 Mb service. Throughout the first month of school AT&T could only provide 3 T1 lines. The network exceeded capacity from 7:30 am until 4:00 pm. Not only could the teachers not utilize their devices but the students could not complete their projects. Teachers were forced to create lessons on the fly. AT&T was contacted numbers times during the crisis. They finally admitted that the implementation phase on their part was behind schedule by over six months. Therefore, we would not have the 100 Mb service until after January. Our network was at a standstill.²⁸

The District found the previous experience with AT&T unacceptable. What is the point of USAC paying for a service that the service provider can't deliver?

Grand View evaluated the Internet access providers based on categories that it determined were important. That evaluation led Grand View to select the service provider with the offer that best met the District's needs. It choose Meet Point because it determined that the service history, expertise of the company, and the company's understanding of the District's

²⁷ Beaman Aff. Para 7

²⁸ Beaman Aff. Para 7 &8

needs were superior to that of the other bidders – as allowed and encouraged by Commission orders and E-rate program rules.

B. The Commission Has Never Established a Bright-Line Standard, as USAC Has Done Here.

After adopting the guidance on cost-effectiveness in *Tennessee*, the Commission declined to adopt a bright-line standard for cost-effectiveness. In the *Third Report and Order* – released two weeks after *Ysleta* – and in a paragraph directly referencing *Ysleta*, the Commission specifically noted it did not have a bright-line test for cost-effectiveness: “Nor do our rules expressly establish a bright line test for what is a ‘cost effective’ service.”²⁹ The Commission has twice sought comment on whether to adopt specific standards or provide additional guidance with respect to this rule, but has so far declined to do so.³⁰

²⁹ See, e.g., *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Third Report and Order and Second Further Notice of Proposed Rulemaking, FCC 03-323, at ¶ 87 (*Third Report and Order*) (“Our rules do not expressly require, however, that the applicant consider whether a particular package of services are the most cost effective means of meeting its technology needs. Nor do our rules expressly establish a bright line test for what is a “cost effective” service.”); *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Notice of Proposed Rulemaking, FCC 13-100, at ¶ 213 (*Modernization NPRM*) (“[W]e seek to refresh the record on whether we should adopt bright line tests, benchmark or formula for determining the most cost-effective means of meeting an applicant’s technology needs.”). It is notable, however, that the Commission appeared to focus on situations where no bid or only one bid was received, and those situations where applicants are selected expensive priority one services simply because they are supported, even though they are unnecessary or when less expensive services would fill the same need. *Modernization NPRM* at ¶¶ 203, 212-213.

³⁰ In 2003, in the *Third Report and Order*, the Commission sought comment on whether it should codify additional rules to ensure that applicants make informed and reasonable decisions in deciding for which services they will seek discounts. *Third Report and Order*, at ¶ 87. In the *Modernization NPRM*, the FCC sought comment on adopting new standards for cost-effectiveness. *Modernization Order*, at ¶¶ 211-216. In the *First Modernization Order*, the Commission provided limited guidance related to the showing of cost-effectiveness necessary to receive funding for data plans for wireless devices and wireless air cards providing Internet access. The Commission ruled the wireless services are not cost-effective if they are duplicating service already being provided. *Id.* at ¶ 151.

Contrary to these Commission declarations, however, USAC points to *Ysleta* as support for stating that Grand View's services are not cost-effective, by stating that the services selected through Grand View's competitive bidding process were more than two times the Network Services bid. There are several problems with USAC's reliance upon *Ysleta* here. First, USAC appears to be establishing a bright-line rule even though the Commission has expressly stated that it has not adopted a bright-line standard.³¹ As USAC is aware, USAC cannot interpret Commission rules.³² As such, USAC should not use a bright-line standard of "two times" other bids to determine that services selected through Grand View's competitive bidding process are not cost-effective. Further, the Commission directed USAC to review its approach to cost-effectiveness reviews and then share the information with applicants and services providers before it attempts to implement a new approach, with oversight performed by the Wireline Competition Bureau and the Office of the Managing Director.³³ As of the date of filing this appeal, USAC has not provided this information. It is a potential violation of the Administrative Procedure Act and, at a minimum, fundamentally unfair to applicants to adopt a new standard of review and simply not tell the applicants what the standard is before holding them to it. In fact, the Commission should seek comment in a rulemaking process to establish a new standard, as it has done twice before without adopting such a standard. As the Commission has recognized by seeking comment on this issue, the Commission should adopt an order revising its own precedent if it desires to do so.³⁴

³¹ See *Third Report and Order* at ¶ 87; *Modernization NPRM* at ¶ 213.

³² 47 C.F.R. § 54.702(c).

³³ *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, *Connect America Fund*, WC Docket No. 90-90, Second Report and Order and Order on Reconsideration, FCC 15-189 (2014) at ¶ 126.

³⁴ *Third Report and Order*, ¶ 87; *Modernization NPRM*, at ¶¶ 213.

Second, *Ysleta*'s facts are not applicable to this situation. The Commission in *Ysleta* analyzed a competitive bidding process in which the school district received one or no bids.³⁵ Grand View sought bids through the FCC Form 470 process for its E-rate eligible services. In *Ysleta*, the Commission stated – in dicta – that a price for a piece of *equipment* two to three times “the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances.”³⁶ The example the Commission gave in *Ysleta* was of a piece of equipment. Equipment, unlike services, are commodities and more easily comparable. Even so, people often make purchasing decisions based on the quality of the brand of the product. The same is true – and even more so – for services. Evaluations of competing services are, of course, different than evaluating bids for the same piece of equipment. When evaluating a service, Applicants will have to consider the reliability of the service, the ability of the service provider to restore service in downtimes (including the technical expertise of the staff), and if the service provides the elements the Applicant would be purchasing (for example, are we really getting the amount of Internet access we have ordered?). Accordingly, USAC should not use *Ysleta* to support its analysis when comparing services, especially when the bids are different and include different, eligible services – such as on-site technical support and firewall services. As described above, Grand View compared the quality of services of Meet Point with the services provided by OneNet and reached the conclusion that Meet Point's services were superior.

Third, the *Ysleta* decision does not establish a standard that applicants are precluded from selecting bids that are twice as expensive as “the lowest bid.” The standard in *Ysleta* is “two or three times” the prices that are **commercially available** for those services,³⁷ which begs the

³⁵ *Ysleta* at ¶ 54.

³⁶ *Id.*

³⁷ *Id.*

question: *What would have been the pricing of the lower bidders had they included the additional, **eligible** services that Meet Point provides, or if those lower-priced bidders had the level of expertise of the Meet Point staff?* Of course, the answer to that question is “unknown” which means comparing these two bids using the *Ysleta* standard is a moot exercise and is not a fair evaluation of what is and is not cost effective.

Is Meet Point’s bid “too expensive” for USAC to fund? We disagree with the conclusion that it is. The only way to determine if the bid is “too expensive” is to compare it to other commercially available services. USAC did not compare Meet Point’s bid, which provided for different levels of support (cell phone numbers of the principals, on-site support) and different services (firewall services) than the other bidders, to other similar, commercially available offerings. USAC, in trying to make that determination could have surveyed local providers to determine what the commercially reasonable local price would be for a similar set of services (both scope and quality), or USAC could have used existing information they have gathered via 471 submissions about similar Internet access services provided in Oklahoma. We believe the price that Meet Point charges, given the level of support, the technical expertise of their staff and additional services offered, is commercially reasonable.

Finally, the Commission in *Ysleta* was also describing a situation in which there was only one bidder, and therefore no competitive bidding, this precluding the applicant from any comparison of services or price.³⁸ In such a case, the applicant is at the mercy of the service provider’s pricing and does not have a choice as to providers. Grand View was not held hostage to one provider. It received multiple bids and made a reasoned judgment regarding the services and comparative costs that met its needs through its competitive bidding process.

³⁸ *Id.*

The reason that Grand View selected a more expensive service provider – even though funding for schools is tight in Oklahoma – is that a properly functioning Internet service is critical to the success of its students. The evaluation categories of service history, expertise of the company and understanding the needs of the District all relate to whether the Internet access service will function as expected or be repaired as quickly as possible. Internet access services are as important to Grand View as its other utilities, including heat and water. With the way the curriculum is structured, the schools simply cannot function if the Internet is not accessible. It is not cost-effective for either the District or the E-rate program to pay for an Internet service – no matter how inexpensive it is – that does not further the goal of providing students with access to greater educational opportunities. Further, the District believed it was cost-effective for its needs as a small, rural district, to pay extra for a service that included enhanced levels of support and protection (*i.e.*, the firewall).³⁹ Grand View chose the service provider that was most cost-effective for its needs.⁴⁰

C. USAC's Decision in This Case Undermines Program Policies and Goals

Application of USAC's decision on a consistent basis will not further E-rate program policies and goals. First, it will force applicants in some cases to select a provider that does not offer the most cost-effective services for the applicants' needs – and likely could cause applicants to perform a disingenuous bid review process. Second, this decision could require applicants to weight price more heavily in the bid evaluation process – which is not required by Commission rules – in order to try to meet USAC's newly created standard. Finally, the District will suffer significant harm if its funding is denied.

³⁹ Beaman Aff. Para 10(v)

⁴⁰ Beaman Aff. Para 18

First, USAC's attempt to second-guess the work of the District will force applicants to select a lower-priced offering, regardless of quality or other relevant criteria, so they will not be subject to second-guessing months or years after the conclusion of the competitive bidding process. To prevent this potential denial of funding, applicants will be forced to select a lower-price bidder, notwithstanding their review of the vendors' bids using the other factors important to the individual applicants.

Using such a standard will lead to a disingenuous bidding process. Applicants are required to consider all valid bids received.⁴¹ Is it really USAC's position that an applicant must evaluate a bid that is two times more expensive than the other bids, but that bid (under USAC's interpretation of *Yselta*) must always lose? Are applicants supposed to manipulate the evaluation process so that the more expensive vendor receives fewer points, notwithstanding the reviewer's actual analysis of the bid responses? A fair and open competitive bidding process cannot have pre-determined outcomes. Such a result could cause applicants to violate their own competitive bidding requirements. Further, what is the point of allowing the applicant the "maximum flexibility" to consider service history, quality of service, or other reasonable factors of a bid that USAC has pre-determined must always lose? An applicant that follows all of its own state and local procurement rules should not be prohibited from selecting a bid that meets its needs, but for a non-codified standard that USAC has decided to impose. If it is truly the intention that bids that are twice as much as the lowest bid are, on face, not cost-effective and should never win, then the program should explicitly allow applicants to disqualify those bids before the bid evaluation process begins, even if no disqualification factors are listed by the applicant in the FCC Form 470 and/or RFP. As it stands right now, applicants are required by FCC rules to

⁴¹ 47 C.F.R. § 54.511(a).

evaluate all bids received and applicants do not have the authority to disqualify bids that are twice as expensive as the lowest bid received.

Second, USAC's process to determine cost-effectiveness is flawed. USAC's current interpretation of Ysleta places the applicant in an untenable position - the applicant is required to evaluate all bids, required to use specific bid criteria weighted in a specific manner and conduct an open and fair competitive bidding process. Even when an applicant complies with all of these rules and follows all of the approved processes, if a bid is awarded the most points and determined to be the best fit for the applicant's needs, but is twice as much as a lower bid, what can an applicant do? The applicant can't simply throw out the bid or disqualify it – not only would the winning bidder have legal recourse against the applicant should the applicant throw out that bid, but the applicant could very well be in violation of local or state competitive bidding rules for not proceeding with the bid that was awarded the most points. Under USAC's interpretation of Ysleta, that bid should never win, but using the FCC's competitive bidding process and rules it did. What is the point of following all of the competitive bidding rules if it produces an outcome that USAC won't fund?

There are no allegations of competitive bidding rule violations by the District. USAC's concerns about cost-effectiveness seem better directed at the bid evaluation process that produced an outcome that USAC deems too expensive (perhaps the Commission should set more stringent procedures for weighting Price of Eligible Goods and Services at 50% of the total available points) than directing those concerns at the District. How can a winning bid be determined to be "too expensive" by USAC if the applicant properly evaluated price (and correctly awarded points) according to the Commission's rules and procedures?

Third, USAC's denial suggests the price differential should have been weighted more heavily than the District weighted it. To reach such a result, USAC is effectively overruling Commission precedent that only requires that pricing be given at least one more point than any other individual category.⁴²

At a minimum, USAC's decision here substitutes its judgment on the merits of the competitive bidding process for that of the District. When the Commission established the rules for the E-rate program in 1997, it stressed that a fundamental principle would be the determination of local needs by local decision-makers regarding what services would work best for that school or school district.⁴³ It did not try to impose a top-down regime where the federal government decided the merits of each service choice of a particular school or district. The idea was that the thousands of schools and districts would know their own technology needs better than the federal government. The Commission has not wavered from this principle. If this decision stands, USAC would be free to evaluate the merits of the respective bidders without the knowledge that applicants have regarding service quality, service history, personnel qualifications, and the value they are receiving for the services purchased. There is simply no way USAC can make a proper evaluation of the bids without that information. In this case,

⁴² As described above, USAC appears to be going beyond Commission precedent to establish a new standard without basis in Commission precedent. USAC, however, is not authorized by the Commission to interpret Commission rules. Under the Commission's rules, USAC "may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress." 47 C.F.R. § 54.702(c). To the extent the Commission's rules are unclear, USAC has no authority to act without first seeking guidance from the Commission. *See id.* Moreover, the District proceeded entirely in accordance with Commission precedent when it evaluated relevant factors other than price. As a result, USAC has acted outside its authority by finding that the District, despite having strictly followed the Commission's rules and precedent, failed to adhere to the Commission's requirements. Furthermore, if the Commission decides that a revision to the rule would advance program goals, such an interpretation should be provided by the Commission before it is applied, and following a notice-and-comment rulemaking.

⁴³ *Universal Service Order* at ¶¶ 481, 574.

while Grand View has attempted to provide that information in responses to USAC's reviews, it appears that USAC has discounted the information or failed to take it into consideration, focusing exclusively on the price of the services.

D. If USAC Still Finds the Services Were Not Cost-Effective, USAC Should Commit Funding for Grand View at a Level That Is Cost-Effective

USAC should, at a minimum, approve part of Grand View's funding request. There is precedent for such an approach. In the *Fifth Report and Order*, the Commission provided direction for USAC for recovery of funding when it was improperly disbursed.⁴⁴ Cost-effectiveness is not directly addressed in that order.⁴⁵ However, some of the other illustrations provide guidance for the cost-effectiveness rule. If a carrier charges the beneficiary "an inflated price," the *Fifth Report and Order* directs that USAC should recover amounts disbursed in excess of what similar situated customers are normally charged in the marketplace."⁴⁶ Similarly, here, if the standard is that cost two times other pricing is not cost-effective, then, by implication, a price 1.9 times the cost is cost-effective. As such, USAC could calculate the cost of the eligible service at 1.9 times that of a lower price and fund that amount for Grand View. In

⁴⁴ *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order and Order, FCC 04-190 (2004) at ¶¶ 15-44 (*Fifth Report and Order*).

⁴⁵ *Id.* The Commission states that full recovery is appropriate for competitive bidding violations. However, this is not a competitive bidding violation. USAC found no issues with the competitive bidding process; it disagreed with the outcome. There are no allegations that the process was not fair and open, price was not the primary factor or that bids were not solicited for at least four weeks.

⁴⁶ *Fifth Report and Order* at ¶ 30. The Commission also discusses situations in which the beneficiary has requested a "clearly excessive" level of support. That situation is not applicable here, as the examples are those when the beneficiary is requesting a number of lines or equipment that is beyond what is necessary. There is no dispute here that the District requires this level of capacity for broadband services, nor are there any allegations that these services are duplicative or redundant.

addition, the Commission has ruled that, when two providers are providing the same service and one is less expensive, the applicant shall be reimbursed for its Internet connection at the lower rate.⁴⁷ Following that logic, USAC could reimburse the applicant at the rates offered by a different provider. Such an approach would minimize the harm caused by USAC's delay in determining it had an issue with Grand View's selection of Meet Point as its service provider.

* * *

For the reasons stated above, the District respectfully requests that USAC reconsider its initial decision and grant its funding requests for FY 2013 and Y 2014. As the foregoing has demonstrated, the District met the Commission requirements for competitive bidding, and selected the most cost-effective bid available to meet its needs.

⁴⁷ *Schools and Libraries Universal Service Support Mechanism*, Requests for Review by Macomb Intermediate School District, CC Docket No. 02-6, Order, FCC 07-64 at ¶ 9 (2007). This rule is applicable when the applicant could have purchased all of the services from one provider at the lower rate but chose not to, and when the services provided do not exceed the total capacity required.

List of Exhibits

Exhibit 1: RFP

Exhibit 2: Bids Received

Exhibit 3: 2013 471 Application

Exhibit 4: 2014 471 Application

Exhibit 5: 2014 FCDL

Exhibit 6: 2013 Notification of Commitment Adjustment

Exhibit 7: Administrator Decision Letters

Exhibit 8: Bid Evaluation Sheets

Cheryl Beaman Affidavit

**Before the Federal Communications Commission
Washington, D.C.**

In the Matter Of

Schools and Libraries
Universal Service Support Mechanism

Request for Review and/or Waiver
By Grand View School District 34
of the Funding Decisions by the
Universal Service Administration Company)

CC Docket No. 02-6

Application No. 993103

Affidavit of Grand View School District 34

I, Cheryl Beaman, swear:

BACKGROUND

1. Federal Programs Director/IT Director. Responsible for planning IT needs, obtaining funding, making purchasing decisions, implementation of Technology projects from incoming service to end user devices, and training.
2. I have been the IT director since 1997. I have obtained funding to build and maintain the IT infrastructure as well as planning end user access and end user devices and program implementations.
3. I have a Bachelor's Degree, plus numerous IT certifications.
4. We are a rural school district serving over 500 students. We have 4 buildings and over 35 classrooms.
5. Grand View School has a 1:1 implementation for 300 students. Additionally the other 200 students are being served at a 2:1 ratio. 2 devices per student. All classrooms have Smart Boards. Wireless access is available campus wide. This includes areas outside of

the buildings for outdoor classroom environment as well as independent study outside of the classroom. We had one IT person and 5 8th grade students that were training and assisting with delivery of high speed service to end users. They also assisted with end user device trouble shooting.

IMPORTANCE OF TECHNOLOGY

6. With the 1:1 program implemented, students were involved in project based learning inside and outside of the traditional classroom setting. Teachers were trained in Levels of Technology Integration, LOTI. This required project based lesson planning which included the use of technology for research, collaboration, project development and final presentations which often required streaming video which required a powerful enough infrastructure to support dozens of students and teachers streaming video simultaneously. This implementation has allowed the school to eliminate some text books and use real world resources for instruction. This is the future of education. Without a powerful backbone, the move to this type of educational environment is not possible. Administration used technology for the student information systems, lunchroom, library and state and federal collaboration and reporting. Testing was done on students throughout the year. This testing began in Kindergarten. Therefore, over 500 students were testing several times during the year. Teachers had digital results that they tracked, charted and communicated to parents to provide individualized instruction. Parents could access grades, attendance, lesson plans, and many other resources from home or work.
7. During the Implementation of the 1:1 program, AT&T guaranteed in their contract that the school would have 100mb service by August 1st. The teachers were trained in using technology on a one to one basis. Lesson plans were developed for the first month of

school. An open house was planned and advertised to all parents requiring their attendance and training regarding the 1:1 program and student access from school and at home. During the implementation of the program which involved parent and student participation prior to school starting, AT&T could not provide the 100mb service. Throughout the first month of school AT&T could only provide 3 T1 lines. The network exceeded capacity from 7:30 am until 4:00 pm. Not only could the teachers not utilize their devices but the students could not complete their projects. Teachers were forced to create lessons on the fly. Without time to plan lessons without the technology that was promised, the first month of school our teachers and students lost a lot of ground. Teachers could not log on to take attendance; the lunchroom could not track students eating breakfast or lunch. The librarian could not check out books and testing could not be conducted to assess student ability. Even the school's phone lines were down intermittently.

8. AT&T was contacted numerous times during this crisis. They finally admitted that the implementation phase on their part was behind schedule by over 6 months. Therefore, we would not have the 100mb pipe until after January. Our network was at a standstill. We had to seek out other resources for our internet access. Cox Communication in cooperation with NewNet 66 ran a fiber optic cable 4 miles to the school and had us operating at 100mb speeds within 3 weeks.

9. THE PROCUREMENT

10. In the years involved as IT Director. I planned and expanded services from 3 cables and 1 T1 line to over 450 end user devices, 100mb speed and wireless access throughout.

- i. We needed affordable connectivity sufficient to handle our needs. A minimum of 100mb was required to support the needs of students, teachers, and administrators.
- ii. We needed reliable connectivity to support the learning and teaching experiences; and AT&T could not fulfill their contract. Additionally, though I was calling frequently, they did not finally admit that they could not fulfill the contract until we were in a crisis situation. Schools cannot implement 21st Century style classrooms without high speed internet. Once a group of Administrators, Teachers, Parents and Students have committed to making this change and putting the months of planning, training, and implementation, it is devastating to the program to suddenly not have the internet access necessary to carry out the plan.
- iii. We needed quality connectivity to assure that the schools received content appropriate to their needs, and filtered out content that was inappropriate.
- iv. Our students were accessing and posting many resources and presentations, as well as submitting their homework via the internet. We needed network protections (i.e., firewall) sufficient to protect the network from third-party spam, attacks, and viruses.
- v. We needed to ensure that, if the network went down, our provider would be available to assist with restoring service as soon as possible. AT&T couldn't even provide the service. Let alone maintain it.

11. Accordingly, our district developed a chart that would evaluate the service providers who bid on these desired characteristics.

12. The competitive bidding process was fair and open. Meet Point did not have any role in the development of the RFP nor did it have any information not available to any other bidder.
13. I decided to use history of experience and provider's ability to provide service as well as the relationship with the providers, in addition to other criteria such as Expertise of the Company, Understanding of Needs and Onsite Configuration.
14. Grand View School staff was looking for a dependable company that would keep their word. We considered the sales team, service, risks of failure, and issues with billing as customer service representatives.

THE EVALUATION PROCESS

15. The evaluation was done by me with input from the current IT Tech. I consulted with the Superintendent due to the recent and ongoing negative experience with AT&T. The process of collecting bids took approximately one month. The evaluation process took approximately 2 days.
 - a. Points were given to each bidder based on all available information and past experience. Reputation of the companies, their ability to work and understand a school environment. The response to concerns and problems. The company's ability to meet expectations and the price were all considered.
 - b. Also considered were the company's ability to understand the school environment and the additional support the company could provide for our specific needs. These include training, firewall support, and school specific filtering.
 - c. Pricing was only considered with regard to the items that were covered by ERATE. AT&T's bid could have been just about any price. The past experience

with this company proved that they will bid a job, sign a contract and fail to provide the services guaranteed in the contract. Then on top of that, misrepresent delays in the provision of this service. Had they been honest about their inability to meet the contract obligations by 7 or 8 months, we never would have considered their bid in the first place.

16. The total points awarded to Meet Point for the winning proposal was 97.

USAC REVIEW OF THESE APPLICATIONS

17. USAC approved the services and pricing delivered by Meet Point prior to the year in question and have continued to approve the applications for funding in the years since the year in dispute. Individuals that I spoke to with USAC during the review process all understood and were in agreement that Meet Point was providing us with the services to meet our needs as a school.

18. As I understand the standard, we were to make a choice of the most "cost-effective" provider. Accordingly, we evaluated the quality of the services offered and the price of those services. The quality of services offered, in our case was of utmost concern to us. AT&T's past failures were so extreme and caused significant loss to our teachers and students regarding educational needs that they received very low points in all other areas besides price.

I certify under penalty of perjury that the foregoing is true and correct.


Cheryl Beaman

15481 N Jarvis Rd
Tullegah OK 74464

Subscribed and sworn to before me this 23rd day of June, 2016.



Natalie Batt
Notary Public

My commission expires
July 6, 2019.

Exhibit 1: RFP



E-Rate Proposal for Managed Internet Service January 12, 2013

To: **Grand View School District 34**
15481 N Jarvis Rd.
Tahlequah, OK 74464

From: JAN LUPTON - LEIBOLD, AT&T Sales Mgmt/Support
405 N BROADWAY AVE, RM 1029, OKLAHOMA CITY, OK 73102
Office: (405) 319-6007
Email: jl840a@us.att.com

Introduction

In response to 470 bid #707230001080416, I'm providing information on an AT&T solution that may meet your requirements and qualify for E-Rate funding. The solution includes the following components:

- Managed Internet Service (MIS) is an Internet access service that combines a high-speed, dedicated connection with consolidated application management. It lets you reliably access information resources and communicate with Internet users worldwide. MIS includes proactive, 24x7 network monitoring, enhanced network security features, and maintenance of the communications link between your locations and the AT&T network. AT&T's Service Provider Identification Number (SPIN) for Managed Internet Service (MIS) is 143001192.

Features and Benefits

The solution gives you the following:

- Redundancy—We provide service availability of 99.999% to ensure that your Internet traffic gets through. The network design and proactive monitoring of our nationwide backbone network make it highly reliable. Because the network architecture features

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Proposal Validity Period—The information and pricing contained in this proposal is valid until 1) the parties enter into a fully executed binding contract, 2) AT&T timely withdraws the proposal, or 3) the E-Rate filing window closes for the then-current E-Rate Funding Year, whichever first occurs. **Terms and Conditions**—Unless otherwise stated herein, this proposal is conditioned upon negotiation of mutually acceptable terms and conditions. **Proposal Pricing**—Pricing proposed herein is based upon the specific product/service mix and locations outlined in this proposal, and is subject to AT&T's standard terms and conditions for those products and services and the AT&T E-Rate Rider unless otherwise stated herein. Any changes or variations in the standard terms and conditions, the products/services, length of term, locations, and/or design described herein may result in different pricing. **Disclaimer**—For purposes of this Proposal, the identification of certain services as "eligible" or "non-eligible" for Universal Service ("E-Rate") funding is not dispositive, nor does it suggest that this or any other services in this Proposal will be deemed eligible for such funding. Any conclusions regarding the eligibility of services for E-Rate funding must be based on several factors, many of which have yet to be determined relative to the proposed services and equipment described herein. Such factors will include, without limitation, the ultimate design configuration of the network, the specific products and services provisioned to operate the network, and the type of customer, and whether the services are used for eligible educational purposes at eligible locations. In its proposal, AT&T will take guidance from the "Eligible Services List" and the specific sections on product and service eligibility on the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") website www.usac.org/sl. This site provides a current listing of eligible products and services, as well as conditionally eligible and ineligible services. This guidance notwithstanding, the final determination of eligibility will be made by the SLD after a review of the customer's E-Rate application for this proposal. If AT&T is awarded the bid for this project, AT&T will provide assistance on the E-Rate application solely on matters relative to the functionality of the services and products which comprise the network. Nevertheless, the responsibility for the E-Rate application is with the customer. AT&T is not responsible for the outcome of the SLD's decision on these matters. **Broadband Internet Access**—For information about AT&T's broadband Internet access services, please visit www.att.com/broadbandinfo.



E-Rate Proposal for Managed Internet Service

January 12 , 2013

Take the
pledge to
stop texting
while driving
[Click to learn
more.](#)

redundant routers, switches, and power supplies, we can reroute traffic around outages and restore service almost instantaneously.

- Customizable Service—MIS provides you with customizable maintenance, service, and support options so you can choose the level of network management you need. You'll be working with a industry-leading network provider that has the flexibility and resources to help you prepare for the future and keep your competitive edge.
- Multiprotocol Label Switching (MPLS) Private Network Transport (PNT)—The MPLS PNT feature, available only at sites with local channel access, lets us add unique Virtual Private Network (VPN) ID labels to your data as it enters the IP network. The MPLS PNT labels let us use separate routing tables to segregate your data traffic from other IP network traffic and provide you with network-based IP VPN.

Advantages of AT&T

Working with AT&T gives you the following advantages:

- Commitment—We're committed to exploring every alternative to meet your unique communication requirements. We take the time to learn your business and to become an extension of your staff.
- Agility—With our integrated, agile networking platform, you can quickly add or change applications as your business needs dictate.
- Control—AT&T gives you easy access to real-time performance information and online tools so you can be in control of your network.
- E-Rate Experience—AT&T has participated in the E-Rate program for schools and libraries since the program's inception in 1998, and we're one of the program's largest service providers. We're proud to bring our technology, expertise, E-Rate knowledge, and education experience to your school or library, helping expand affordable access to advanced telecommunication services. For more information about AT&T and its participation in the E-Rate program, go to www.att.com/erate and download the E-Rate brochure.

Solution Pricing





E-Rate Proposal for Managed Internet Service January 12 , 2013

Pricing for Managed Internet Service (MIS) is based on a 36-month term. Contract Required.

	<u>Monthly</u>	<u>Install</u>
100 Meg eaMIS Plus	\$1,876.40	\$0.00

This quote assumes that adequate conduit/entrance into your facility exists to permit fiber installation into your equipment room.

If you wish to proceed with this offering please contact me, so I can conduct a check of AT&T's network fiber placement that would serve your location. This check will determine if any special construction charges would apply. This occurs less than 5% of the time; however, it does take 3-4 weeks to get confirmation.

This will be a tele-installation. We will drop ship a router that requires connectivity to the power cable, the cables from the router and plugged into associated LAN port on your switch. A telephone line is required for remote access to the router. If you prefer that AT&T install the router a \$500 charge would apply.



Meet Point Networks, LLC

Customer Service Proposal

Proposal Date 1-11-2013

Proposal # MPN 1278

SPIN# 143035519

Meet Point Networks Rep: Mike Pennell
Phone Number: 918.633.6896

Meet Point Networks
P.O. Box 339
Bixby, OK 74008
Voice 918.557.0277
www.meetpointnetworks.com

Page one (1) of this document is for Internet access pricing options and is informational only.
Page two (2) through four (4) is the service agreement contract.

Any estimates in this bid based on funding from the Oklahoma Universal Service Fund are subject to application and approval by the Oklahoma Corporation Commission and any difference in actual OUSF funding and the monthly recurring charges shall be the responsibility of the customer.

Customer Information

Customer Name: Grandview Public School
Street Address: 15481 N. Jarvis Rd
City/St/Zip: Tahlequah OK 74464
Federal Tax ID:

Taxes and Fees Not Included

	Service Description	New Qty	Terms (months)	Type	Monthly Recurring Charge	Annual Charge	One Time Activation and Setup
1	45 Mb Internet Access	1	60	New	\$7,018.30	\$84,219.60	\$0.00
2	100 Mb Internet Access	1	60	New	\$8,759.05	\$105,108.60	\$1,000.00
3							
4							
5							
6							

NewNet 66 Services

- ~ NewNet 66 Services are included in the pricing above.
- ~ 24 x 7 Internet Access Troubleshooting & Repair - NewNet 66 will work to restore functional Internet access - this includes working with all of the necessary telecommunication providers and calling in trouble tickets, if necessary.
- ~ On site visits to restore Internet Access, if necessary.
- ~ Unlimited Email Accounts supporting POP3, Web Mail, and IMAP. (student accounts available on request)
- ~ Web Site Hosting Service - 10 Gigabit of space. This service does not include the creation or modification of content.
- ~ Firewall management to include Juniper Networks and Fortigate firewalls.

Proposal for

Internet Connectivity with Bundled Firewall

470 Application Number: 707230001080416

2013-2014 Funding Year

PRESENTED BY:



SkyRider Communications, Inc.
1200 Arkansas Road
West Monroe, Louisiana 71291
(800) 536-7035

Statement of Confidentiality:

This document includes data that shall not be disclosed to any third party and shall not be duplicated, used or disclosed – in whole or in part – for any purpose other than for internal evaluation of this document. If a contract is awarded to SkyRider Communications as a result of, or in conjunction with the submission of this document, except as noted, the contracted parties shall have the right to duplicate, use or disclose that data to the extent provided in the resulting contract.



Grand View School District 34
15481 North Jarvic Road
Tahlequah, OK 74464

Submitted online via email to Cheryl Beaman cbeaman@grandview.k12.ok.us: 01-10-2013

Ref: Priority 1 Services ~ FY2013-2014 ~ 470 ID # 707230001080416 :

It is our privilege to present the following proposal for Priority 1 services for the Gran View Schools. The proposed Internet and Digital Transmission Connectivity will provide a scalable, reliable, high throughput infrastructure for your District. SkyRider's recommended services improves bandwidth and includes element management, security and support to assure bandwidth and network resource needs.

SkyRider is an authorized E-rate vendor. SkyRider Communication's, Inc.'s FCC Filer 499 ID is 826572. SkyRider Communications is registered with Schools and Libraries Division. The SPIN for SkyRider Communications, Inc. is 143031192. SkyRider's capabilities to deliver and manage customized telecommunications services are unique and a key advantage to school districts considering broadband access today. Key benefits to Grand View School District include:

- Increased Bandwidth
- Reliable Connection
- 24x7x365 Monitoring Service
- Professionally Installed Network Components
- Best Service After the Sale

SkyRider has an outstanding reputation in the telecommunications industry and has assembled a highly capable and qualified staff. We have a combined 60 years of experience in Telecommunications, Internet, Wide Area Network (WAN), and Local Area Network (LAN) solutions. SkyRider personnel have been involved in the E-Rate process since its inception.

Thank you and the Grand View Schools for your consideration of SkyRider's proposal. On behalf of the entire SkyRider team, we look forward to providing a reliable and secure network solution.

I am fully authorized to sign on behalf of SkyRider Communications, Inc.

A handwritten signature in black ink, appearing to read 'Brad Warden', is written over a horizontal line.

Brad Warden
President, CEO
SkyRider Communications, Inc.
(318) 680-6400



Company Profile:

SkyRider Communications, Inc.

1200 Arkansas Road

West Monroe, LA 71291

(800) 536-7035

(318) 387-8440

USAC SPIN #:

143031192

FCC FRN #:

826572

Incorporated: 5/21/2001

State of Incorporation: Louisiana

Area of Service: Arkansas, Louisiana, Mississippi, Oklahoma & Texas

Experience by area of expertise:

- Telecom & Internet Services 20 + years
- Network Infrastructure 10 + years
- Outside Plant & Inside Wiring 7 + years
- E-Rate Projects 7 + years

Project Team

SkyRider project team members provide complimentary independent competencies including wireless network design and engineering, project management and telecommunications construction.

- Project Executive: Brad Warden, President SkyRider West Monroe, La
- Project Manager: Gary Godard, Vice President SkyRider West Monroe, La
- Project Supervisor: Kevin Lynam, Supervisor SkyRider Double Oak, Texas

USAC/SPIN Search Results

SPIN	Service Provider Name	Contact Name	Contact Address	Contact Phone	Form 499 Filer	SPAC Filed
143031192	SkyRider Communications, Inc.	Brad W Warden	1200 Arkansas Road , West Monroe, LA 71291	318-325-9100	Y	2007 2008 2009 2010 2011 2012

As a Licensed Telecom Carrier, SkyRider participates in the Oklahoma State USF fund program.



Statement of Qualifications

Carrier Qualifications

SkyRider provides voice, video, data telecommunications services and high-speed Internet access for K-12 schools, state and local government and municipalities, healthcare systems, libraries, colleges and universities. SkyRider's focus is the design, installation, operation and management of government funded wide area networks (WAN).

SkyRider Communications, Inc. and its management team have been active in providing quality Telecom services for over 12 years. SkyRider Communications is a Regional Telecom provider serving many qualified customers within the geographic area of Louisiana, Mississippi, Texas, Oklahoma and Arkansas.

Our staff has assisted in the design and operation of many of the region's largest WANs, covering hundreds of square miles and delivering bandwidths of up to 10 Gigabit. As a licensed telecommunications carrier we provide unmatched management and customer service.

SkyRider and its staff hold industry and manufacturer certifications for the design, implementation, maintenance and support for the services customers receive.

SLD Qualifications

The FCC Filer 499 ID assigned to SkyRider Communications is 826572. SkyRider Communications is registered with Schools and Libraries Division. The SPIN for SkyRider Communications, Inc. is 143031192.

FCC and PSC Qualifications

SkyRider Communications, Inc. is registered and in good standing with the FCC. SkyRider is licensed with Public Service Commissions in the States of Louisiana and Oklahoma.

Locations and Availability

SkyRider Communications maintains offices or employees in the following locations:

Main Branch 1200 Arkansas Road West Monroe, Louisiana 71291
Double Oak, TX
Oklahoma City, OK

SkyRider maintains a 24/7 System monitoring facility that identifies issues as soon as they arise. A large amount of troubleshooting and fault isolation can be done remotely. In addition, when required, field technicians are on call 24/7.

Licensed General Contractor

SkyRider Communications, Inc. through its president, Brad Warden, is a licensed General Contractor, specializing in Telecommunications.



Financial Summary

Internet Connectivity with Bundled Firewall

Description	QTY	Monthly Cost Each	Total Mnthly Cost
100 Mbps dedicated internet connectivity with Bundled firewall.	1	\$6,995	\$6,995
<i>*Pricing includes Turn Key Installation, Routers, 24x7x365 Monitoring and Priority Service</i>			

Exhibit 3: 2013 Form 471

**Schools and Libraries Universal Service
Description of Services Ordered and Certification Form 471****Estimated Average Burden Hours per Response: 4 hours**

This form is designed to help schools and libraries to list the eligible services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.usac.org/sl.)

The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier (Create an identifier for your own reference) Cheryl Internet	Form 471 Application #: 904812 (To be assigned by administrator)
Block 1: Billed Entity Address and Identifications	
<div style="margin-bottom: 10px;">1 Name of Billed Entity GRAND VIEW SCHOOL DISTRICT 34</div> <div style="margin-bottom: 10px;">2 Funding Year 2013</div> <div style="margin-bottom: 10px;">3a Entity Number 140213</div> <div style="margin-bottom: 10px;">3b FCC Registration Number 0012028006</div> <div style="margin-bottom: 10px;">4a Street Address, P.O. Box, or Route Number 15481 NORTH JARVIC ROAD</div> <div style="margin-bottom: 10px;">City TAHLEQUAH State OK Zip Code 74464-9119</div> <div style="margin-bottom: 10px;">4b Telephone Number</div> <div style="margin-bottom: 10px;">4c Fax Number</div> <div style="margin-bottom: 10px;">5a Type of Application (check only one) <input checked="" type="radio"/> Individual School (individual public or non-public school) <input type="radio"/> School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools) <input type="radio"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA) <input type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries) <input type="radio"/> Statewide application for (enter 2-letter state code) representing (check all that apply) <input type="checkbox"/> All public schools/districts in the state <input type="checkbox"/> All non-public schools in the state <input type="checkbox"/> All libraries in the state</div> <div style="margin-bottom: 10px;">5b Recipient(s) of Services: <input type="checkbox"/> Private <input checked="" type="checkbox"/> Public <input type="checkbox"/> Charter <input type="checkbox"/> Tribal <input type="checkbox"/> Head Start <input type="checkbox"/> State Agency</div>	
Entity Number: 140213	Applicant's Form Identifier: Cheryl Internet
Contact Person: Cheryl Beaman	Contact Phone Number:
Block 1: Billed Entity Address and Identifications (continued)	
<div style="margin-bottom: 10px;">6a Contact Person's Name Cheryl Beaman</div> <div style="margin-bottom: 10px;">If the Contact Person's Street Address is the same as Item 4 above, check here. <input type="checkbox"/> If not, complete Item 6b.</div> <div style="margin-bottom: 10px;">6b Street Address, P.O. Box, or Route Number NOTE: USAC will use this address to mail correspondence about this form. 15481 NORTH JARVIC ROAD</div> <div style="margin-bottom: 10px;">City TAHLEQUAH State OK Zip Code 74464-9119</div> <div style="margin-bottom: 10px;">Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> 6c Telephone Number <input type="checkbox"/> 6d Fax Number <input checked="" type="checkbox"/> 6e E-Mail Address Re-enter E-mail Address</div> <div style="margin-bottom: 10px;">6f Holiday/vacation/summer contact information: please include name of alternate contact (if applicable) and alternate phone, fax or E-mail address</div> <div style="margin-bottom: 10px;">If a consultant is assisting you with your application process, please complete Item 6g below:</div> <div style="margin-bottom: 10px;">6g Consultant Name Name of Consultant's Employer Consultant's Street Address</div> <div style="margin-bottom: 10px;">City State Zip Code Consultant's Telephone Number Ext. Consultant's Fax Number Consultant's E-mail Address Re-enter E-mail Address Consultant Registration Number</div>	

Entity Number: 140213		Applicant's Form Identifier: Cheryl Internet	
Contact Person: Cheryl Beaman		Contact Phone Number:	

Complete this information on EVERY Form 471 you file for the services requested on that form. Please complete all rows that apply to services for which you are requesting discounts.

Schools/school districts complete the left-hand column and libraries complete the right-hand column. Consortia complete all that apply.

Block 2: Impact of Services Ordered for Schools and Libraries from this Form 471

	Schools	Libraries
7a Number of students or patrons to be served	518	0
b Telephone service: Number of classrooms or rooms with phone service	51	0
c Direct connections to the Internet: Number of drops	400	0
d Number of classrooms or rooms with Internet access	32	0
e Number of computers or other devices with Internet access	320	0
f Number of dial-up Internet access and other connections of up to 200 kbps :	0	0
g High-speed Internet access services: Number of buildings served at the following speeds (please use advertised download speed coming into building, not actual speed in classroom or work area):	At or greater than 200 kbps and less than 1.5 mbps	0
	At or greater than 1.5 mbps and less than 3 mbps	0
	At or greater than 3 mbps and less than 10 mbps	0
	At or greater than 10 mbps and less than 25 mbps	0
	At or greater than 25 mbps and less than 50 mbps	4
	At or greater than 50 mbps and less than 100 mbps	0
	Greater than 100 mbps	0

Block 3:

8 [Reserved]

Entity Number: 140213		Applicant's Form Identifier: Cheryl Internet	
Contact Person: Cheryl Beaman		Contact Phone Number:	

Block 4: Discount Calculation Worksheet **Worksheet - 1548153**
Page 1 of 1

The Block 4 worksheet is used to calculate your discount for services. You will complete one or more worksheets depending on the type of application you are filing. If you file more than one worksheet, please number the completed worksheets to assure that they are all processed correctly. Please refer to the instructions for information specific to the Type of Application you indicated in Block 1, Item 5.

☐ Check here if this worksheet contains all eligible entities in the school district or library system.

9a List entities and calculate discount(s):

(For Administrator's Use)

School District or Library System Name:

School District or Library System Entity Number:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Name of Eligible Entity	Entity Number AND NCES Code (for Schools) or FSCS Code (for Libraries)	Urban or Rural U or R	Total Number of Students	Number of Students Eligible for NSLP	Percent of Students Eligible for NSLP (Col. 5 / Col. 4)	Disc. from Disc. Matrix	New Construction	Admin Entity or NIF	Alt Disc Mech	Weighted Product for Calculating Shared Discount (Col. 4 x Col. 7)	Insert appropriate codes(s): P= pre-K, H = Head Start, A = Adult Education, J = Juvenile Justice, E = ESA, D = Dormitory	Entity Number of School District in which Library Outlet/Branch is Located	Discount of Member Entity	Shared Discount
ALL ENTITIES			SCHOOLS AND LIBRARIES							Schools with shared services	Schools	Library Outlet/Branch	Consortia	
GRAND VIEW ELEMENTARY SCHOOL	84951 01 2028 006	R	518	435	83.977%	90	N	N	N	46620				

9b Shared Services

SCHOOL DISTRICTS: (Including groups of schools within school districts.) Calculate the totals of Columns 4 and 11. Divide the total of Column 11 by the total of Column 4. Enter the result in Column 15.	518									46620				90%
LIBRARY SYSTEMS: Calculate the total of Column 7. Divide this total by the number of outlets/branches. Enter the result in Column 15.														
CONSORTIA: Calculate the total of Column 14. Divide this total by the number of member entities. Enter the result in Column 15.														

Entity Number: 140213		Applicant's Form Identifier: Cheryl Internet	
Contact Person: Cheryl Beaman		Contact Phone Number:	

Block 5: Discount Funding Request(s)

Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.

Block 5, page 1 of 1

FRN 2461856
(to be assigned by administrator)

10 ☐ If this is a duplicate Funding Request (e.g., of an FRN that is not yet approved, under appeal, etc.), check this box and enter the original FRN in the space provided:

11 Category of Service (only ONE category should be checked)		23 Calculations	
PRIORITY 1 <input type="checkbox"/> Telecommunications Service <input checked="" type="checkbox"/> Internet Access	PRIORITY 2 <input type="checkbox"/> Internal Connections Other than Basic Maintenance <input type="checkbox"/> Basic Maintenance of Internal Connections	A. Monthly charges (total amount per month for service) \$8,759.05	
12 Form 470 Application Number			

707230001080416			
13 SPIN – Service Provider Identification Number		Recurring Charges	B. How much of the amount in A is ineligible?
143035519			\$0.00
14 Service Provider Name			C. Eligible monthly pre-discount amount (A minus B)
Meet Point Networks LLC			\$8,759.05
15a <input type="checkbox"/> Check this box if this Funding Request is for non-contracted tariffed or month-to-month services.			D. Number of months service provided in funding year
15b Contract Number			12
9184565131			E. Annual pre-discount amount for eligible recurring charges (C x D)
15c <input type="checkbox"/> Check this box if this Funding Request is covered under a master contract (a contract negotiated by a third party, the terms and conditions of which are then made available to an eligible entity that purchases directly from the service provider).		Non-Recurring Charges	F. Annual non-recurring charges
15d <input type="checkbox"/> Check this box if this Funding Request is a continuation of an FRN from a previous funding year based on a multi-year contract. If so, provide that FRN here:			\$1,000.00
16a Billing Account Number (e.g., billed telephone number)			G. How much of the amount in F is ineligible?
9184565131			\$0.00
16b <input type="checkbox"/> Check this box if there are multiple Billing Account Numbers and attach a complete list of those numbers to this page.			H. Annual eligible pre-discount amount for non-recurring charges (F minus G)
17 Allowable Vendor Selection/Contract Date (mm/dd/yyyy) (based on Form 470 filing)			\$1,000.00
01/14/2013		Total Charges	I. Total funding year pre-discount amount (E + H)
18 Contract Award Date (mm/dd/yyyy)			\$106,108.60
02/26/2013			J. Discount from Block 4 Worksheet 90.00
19 Service Start Date (mm/dd/yyyy)			K. Funding Commitment Request (I x J)
07/01/2013			\$95,497.74
20a Service End Date (mm/dd/yyyy)			
Contract Expiration Date			
20b (mm/dd/yyyy)			
06/30/2014			
21 Description of This Service: NOTE: All Item 21 Attachments must be filed before the close of the filing window. Attachment You MUST attach a description of the service, including a breakdown of components, costs, manufacturer name, make and model number. You must include any additional account or telephone numbers if the billed account has multiple numbers. Label the description with an Attachment Number, and note number in space provided.			
		GV-Meetpoint Internet	
22 Entity/Entities Receiving This Service:		a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving this service: 84951 b. If the service is shared by all entities on a Block 4 worksheet, list the worksheet number (e.g., 1):	

Entity Number: 140213	Applicant's Form Identifier: Cheryl Internet
Contact Person: Cheryl Beaman	Contact Phone Number:

Block 6: Certifications and Signature

- 24** ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (Check one or both.)
- a** ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38)**, that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or
- b** ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary, secondary schools, colleges, or universities.
- 25** ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a Total funding year pre-discount amount on this Form 471 (Add the entries from Items 23I on all Block 5 Discount Funding Requests.)	106108.6
b Total funding commitment request amount on this Form 471 (Add the entries from Items 23K on all Block 5 Discount Funding Requests.)	95497.74
c Total applicant non-discount share (Subtract Item 25b from Item 25a.)	10610.86
d Total budgeted amount allocated to resources not eligible for E-rate support	0
e Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	10610.86
f <input type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Item 25e.	
26 <input checked="" type="checkbox"/> I certify that, if required by Commission rules, all of the individual schools and libraries receiving services under this form are	

covered by technology plans that do or will cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body or an SLD-certified technology plan approver prior to the commencement of service.

Or ☐ I certify that no technology plan is required by Commission rules.

- 27 ☒ I certify that (if applicable) I posted my Form 470 and (if applicable) made any related RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.
- 28 ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.
- 29 ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. §§ 54.500, 54.513. Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.
- 30 ☒ I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

Entity Number: 140213		Applicant's Form Identifier: Cheryl Internet	
Contact Person: Cheryl Beaman		Contact Phone Number:	

Block 6: Certification and Signature (Continued)

31 ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

32 ☒ I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

33 ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

34 ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

35 ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504(g)(1), (2).

36 ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years as required by the Commission's rules at 47 C.F.R. § 54.506(c).

37 ☒ I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38 Signature of authorized person <input checked="" type="checkbox"/>	39 Date 02/26/2013
---	--------------------

40 Printed name of authorized person

41 Title or position of authorized person

☐ Check here if the consultant in Item 6g is the Authorized Person.

42a Street Address, P.O. Box, or Route Number

City State Zip Code -

Entity Number: 140213		Applicant's Form Identifier: Cheryl Internet	
Contact Person: Cheryl Beaman		Contact Phone Number:	
42b	Telephone Number of authorized Person		
	Ext.		
42c	Fax Number of Authorized Person		
42d	E-mail Address of authorized Person		
	Re-enter E-mail Address		
42e	Name of Authorized Person's Employer		
<p>NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504(c). The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.</p> <p>An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.</p> <p>The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.</p> <p>If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.</p> <p>If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.</p> <p>The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.</p> <p>Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.</p> <p>Please submit this form to: SLD-Form 471 P.O. Box 7026 Lawrence, Kansas 66044-7026</p> <p>For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to: SLD Forms ATTN: SLD Form 471 3833 Greenway Drive Lawrence, Kansas 66046 (888) 203-8100</p>			
FCC Form 471 - October 2010			

[Close Print Preview](#)[Previous](#)

Exhibit 4: 2014 Form 471

FCC Form 471

Approval by OMB
3060-0806**Schools and Libraries Universal Service
Description of Services Ordered and Certification Form 471****Estimated Average Burden Hours per Response: 4 hours**

This form is designed to help schools and libraries to list the eligible services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.usac.org/sl.)

The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier (Create an identifier for your own reference) GrandView Y17	Form 471 Application #: 993103 (To be assigned by administrator)
Block 1: Billed Entity Address and Identifications	
<p>1 Name of Billed Entity GRAND VIEW SCHOOL DISTRICT 34</p> <p>2 Funding Year 2014</p> <p>3a Entity Number 140213</p> <p>3b FCC Registration Number 0012028006</p> <p>4a Street Address, P.O. Box, or Route Number 15481 NORTH JARVIC ROAD</p> <p>City TAHLEQUAH State OK Zip Code 74464-9119</p> <p>4b Telephone Number (918) 456-5131</p> <p>4c Fax Number (918) 456-1526</p> <p>5a Type of Application (check only one) <input type="radio"/> Individual School (individual public or non-public school) <input checked="" type="radio"/> School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools) <input type="radio"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA) <input type="radio"/> Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries) <input type="radio"/> Statewide application for (enter 2-letter state code) representing (check all that apply) <input type="checkbox"/> All public schools/districts in the state <input type="checkbox"/> All non-public schools in the state <input type="checkbox"/> All libraries in the state</p> <p>5b Recipient(s) of Services: <input type="checkbox"/> Private <input checked="" type="checkbox"/> Public <input type="checkbox"/> Charter <input type="checkbox"/> Tribal <input type="checkbox"/> Head Start <input type="checkbox"/> State Agency</p>	
Entity Number: 140213	Applicant's Form Identifier: GrandView Y17
Contact Person: Karla Hall or Chris Webber	Contact Phone Number: (918) 445-0048
Block 1: Billed Entity Address and Identifications (continued)	
<p>6a Contact Person's Name Karla Hall or Chris Webber</p> <p>If the Contact Person's Street Address is the same as Item 4 above, check here. <input type="checkbox"/> If not, complete Item 6b.</p> <p>6b Street Address, P.O. Box, or Route Number NOTE: USAC will use this address to mail correspondence about this form. PO Box 701713</p> <p>City Tulsa State OK Zip Code 74170-1713</p> <p>Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.</p> <p><input type="checkbox"/> 6c Telephone Number (918) 445 - 0048 <input type="checkbox"/> 6d Fax Number (918) 445 - 0049 <input checked="" type="checkbox"/> 6e E-Mail Address info@crwconsulting.com Re-enter E-mail Address info@crwconsulting.com</p> <p>6f Holiday/vacation/summer contact information: please include name of alternate contact (if applicable) and alternate phone, fax or E-mail address</p> <p>If a consultant is assisting you with your application process, please complete Item 6g below:</p> <p>6g Consultant Name Karla Hall Name of Consultant's Employer CRW Consulting Consultant's Street Address CRW Consulting PO Box 701713 City Tulsa State OK Zip Code 74170 Consultant's Telephone Number (918) 445-0048 Ext. Consultant's Fax Number (918) 445-0049 Consultant's E-mail Address info@crwconsulting.com Re-enter E-mail Address info@crwconsulting.com Consultant Registration Number 16024800</p>	
Blocks 2 and 3 [Reserved]	

Entity Number: 140213						Applicant's Form Identifier: GrandView Y17								
Contact Person: Karla Hall or Chris Webber						Contact Phone Number: (918) 445-0048								
Block 4: Discount Calculation Worksheet												Worksheet - 1733945		
Page 1 of 1														
<p>The Block 4 worksheet is used to calculate your discount for services. You will complete one or more worksheets depending on the type of application you are filing. If you file more than one worksheet, please number the completed worksheets to assure that they are all processed correctly. Please refer to the instructions for information specific to the Type of Application you indicated in Block 1, Item 5.</p> <p><input type="checkbox"/> Check here if this worksheet contains all eligible entities in the school district or library system.</p>														
9a List entities and calculate discount(s):												(For Administrator's Use)		
School District or Library System Name:												School District or Library System Entity Number:		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Name of Eligible Entity	Entity Number AND NCES Code (for Schools) or FSCS Code (for Libraries)	Urban or Rural U or R	Total Number of Students	Number of Students Eligible for NSLP	Percent of Students Eligible for NSLP (Col. 5 / Col. 4)	Disc. from Disc. Matrix	New Construction	Admin Entity or NIF	Alt Disc Mech	Weighted Product for Calculating Shared Discount (Col. 4 x Col. 7)	Insert appropriate codes(s): P= pre-K, H= Head Start, A= Adult Education, J= Juvenile Justice/E= ESA, D= Dormitory	Entity Number of School District in which Library Outlet/Branch is Located	Discount of Member Entity	Shared Discount
ALL ENTITIES			SCHOOLS AND LIBRARIES							Schools with shared services	Schools	Library Outlet/Branch	Consortia	
GRAND VIEW ELEMENTARY SCHOOL	84951	R	594	447	75.253%	90	N	N	N	53460				
9b Shared Services														
SCHOOL DISTRICTS: (Including groups of schools within school districts.) Calculate the totals of Columns 4 and 11. Divide the total of Column 11 by the total of Column 4. Enter the result in Column 15.			594							53460				90%
LIBRARY SYSTEMS: Calculate the total of Column 7. Divide this total by the number of outlets/branches. Enter the result in Column 15.														
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Entity Number: 140213		Applicant's Form Identifier: GrandView Y17																																	
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048																																	
Block 5: Discount Funding Request(s)		Block 5, page 1 of 4																																	
Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.		FRN 2710410 (to be assigned by administrator)																																	
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11 Category of Service (only ONE category should be checked) <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> PRIORITY 1 <input checked="" type="checkbox"/> Telecommunications Service <input type="checkbox"/> Internet Access </td> <td style="width: 50%; vertical-align: top;"> PRIORITY 2 <input type="checkbox"/> Internal Connections Other than Basic Maintenance <input type="checkbox"/> Basic Maintenance of Internal Connections </td> </tr> </table>		PRIORITY 1 <input checked="" type="checkbox"/> Telecommunications Service <input type="checkbox"/> Internet Access	PRIORITY 2 <input type="checkbox"/> Internal Connections Other than Basic Maintenance <input type="checkbox"/> Basic Maintenance of Internal Connections	23 Calculations <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td rowspan="5" style="width: 10%; text-align: center; vertical-align: middle;">Recurring Charges</td> <td>A. Monthly charges (total amount per month for service)</td> </tr> <tr> <td style="text-align: right;">\$43.23</td> </tr> <tr> <td>B. How much of the amount in A is ineligible?</td> </tr> <tr> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>C. Eligible monthly pre-discount amount (A minus B)</td> </tr> <tr> <td rowspan="5" style="width: 10%; text-align: center; vertical-align: middle;">Non-Recurring Charges</td> <td style="text-align: right;">\$43.23</td> </tr> <tr> <td>D. Number of months service provided in funding year</td> </tr> <tr> <td style="text-align: right;">12</td> </tr> <tr> <td>E. Annual pre-discount amount for eligible recurring charges (C x D)</td> </tr> <tr> <td style="text-align: right;">\$518.76</td> </tr> <tr> <td rowspan="5" style="width: 10%; text-align: center; vertical-align: middle;">Total Charges</td> <td>F. Annual non-recurring charges</td> </tr> <tr> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>G. How much of the amount in F is ineligible?</td> </tr> <tr> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>H. Annual eligible pre-discount amount for non-recurring charges (F minus G)</td> </tr> <tr> <td rowspan="3" style="width: 10%; text-align: center; vertical-align: middle;">Total Charges</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>I. Total funding year pre-discount amount (E + H)</td> </tr> <tr> <td style="text-align: right;">\$518.76</td> </tr> <tr> <td colspan="2" rowspan="3"></td> <td>J. Discount from Block 4 Worksheet</td> <td style="text-align: right;">90.00</td> </tr> <tr> <td>K. Funding Commitment Request (I x J)</td> <td style="text-align: right;">\$466.88</td> </tr> <tr> <td colspan="2"></td> </tr> </table>		Recurring Charges	A. Monthly charges (total amount per month for service)	\$43.23	B. How much of the amount in A is ineligible?	\$0.00	C. Eligible monthly pre-discount amount (A minus B)	Non-Recurring Charges	\$43.23	D. Number of months service provided in funding year	12	E. Annual pre-discount amount for eligible recurring charges (C x D)	\$518.76	Total Charges	F. Annual non-recurring charges	\$0.00	G. How much of the amount in F is ineligible?	\$0.00	H. Annual eligible pre-discount amount for non-recurring charges (F minus G)	Total Charges	\$0.00	I. Total funding year pre-discount amount (E + H)	\$518.76			J. Discount from Block 4 Worksheet	90.00	K. Funding Commitment Request (I x J)	\$466.88		
PRIORITY 1 <input checked="" type="checkbox"/> Telecommunications Service <input type="checkbox"/> Internet Access	PRIORITY 2 <input type="checkbox"/> Internal Connections Other than Basic Maintenance <input type="checkbox"/> Basic Maintenance of Internal Connections																																		
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12 Form 470 Application Number 374290001080343																																			
13 SPIN – Service Provider Identification Number 143008823																																			
14 Service Provider Name SBC Long Distance, LLC.																																			
15a <input type="checkbox"/> Check this box if this Funding Request is for non-contracted tariffed or month-to-month services.																																			
15b Contract Number n/a																																			
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Entity Number: 140213	Applicant's Form Identifier: GrandView Y17
Contact Person: Karla Hall or Chris Webber	Contact Phone Number: (918) 445-0048

Block 5 (Continued):
24 Description of Broadband and other Connectivity Services Ordered for Schools and Libraries from this funding request

Complete the information below for this funding request only if requesting **Telecommunications Services** or **Internet Access** for the purpose of providing broadband and other types of connectivity to school and/or library facilities.

☒ Check this box if this request is for services or equipment that do **not** provide broadband or connectivity. For instance, check the box if this funding request is for internal connections, basic maintenance, or requests for services like e-mail or phone service.

a Which technology(ies) and speed(s) are being provided in this Funding Request? Please list the number of lines and average download speed for the lines included in this funding request. If there are multiple download speeds for the lines within one type of broadband connection, this form provides two additional lines per broadband connection category. If you need additional space, please make copies of this page and number the completed pages to assure that they are all processed correctly. A response to this Item is not a substitute for a complete response to Item 21 but should be consistent with the description of services in the response to Item 21. Please ask your service provider if you need assistance.

Type of Connection	Number of lines included in this FRN	Download speed per line in Mbps

b If the Internet service is available to students or patrons in more than just a single location or office, please indicate:

1. If the access is provided by wired connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to wired drops? ____%
2. If the access is provided by Wi-Fi connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to a Wi-Fi signal? ____%

c For consortia and statewide applications, do the connections in this FRN include the last mile connection to the school or library? ☐ Yes ☐ No
If **no** above, are these connections only for backbone connections? ☐ Yes ☐ No

Entity Number: 140213		Applicant's Form Identifier: GrandView Y17																																	
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12 Form 470 Application Number 707230001080416																																			
13 SPIN – Service Provider Identification Number 143035519																																			
14 Service Provider Name Meet Point Networks LLC																																			
15a <input type="checkbox"/> Check this box if this Funding Request is for non-contracted tariffed or month-to-month services.																																			
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Entity Number: 140213	Applicant's Form Identifier: GrandView Y17
Contact Person: Karla Hall or Chris Webber	Contact Phone Number: (918) 445-0048

Block 5 (Continued):
24 Description of Broadband and other Connectivity Services Ordered for Schools and Libraries from this funding request

Complete the information below for this funding request only if requesting **Telecommunications Services** or **Internet Access** for the purpose of providing broadband and other types of connectivity to school and/or library facilities.

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Type of Connection	Number of lines included in this FRN	Download speed per line in Mbps
Fiber optic/OC-x	1	100

b If the Internet service is available to students or patrons in more than just a single location or office, please indicate:

1. If the access is provided by wired connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to wired drops? 100 %
2. If the access is provided by Wi-Fi connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to a Wi-Fi signal? 100 %

c For consortia and statewide applications, do the connections in this FRN include the last mile connection to the school or library? ☐ Yes ☐ No
If no above, are these connections only for backbone connections? ☐ Yes ☐ No

Entity Number: 140213		Applicant's Form Identifier: GrandView Y17							
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048							
Block 5: Discount Funding Request(s) Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as needed, and number the completed pages to assure that they are all processed correctly.		Block 5, page 3 of 4 FRN 2710412 (to be assigned by administrator)							
10 <input type="checkbox"/> If this is a duplicate Funding Request (e.g., of an FRN that is not yet approved, under appeal, etc.), check this box and enter the original FRN in the space provided:									
11 Category of Service (only ONE category should be checked)		23 Calculations							
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12 Form 470 Application Number 911870001177911		<table border="1"><tr><td rowspan="5">Recurring Charges</td><td>A. Monthly charges (total amount per month for service) \$1,075.19</td></tr><tr><td>B. How much of the amount in A is ineligible? \$0.00</td></tr><tr><td>C. Eligible monthly pre-discount amount (A minus B) \$1,075.19</td></tr><tr><td>D. Number of months service provided in funding year 12</td></tr><tr><td>E. Annual pre-discount amount for eligible recurring charges (C x D) \$12,902.28</td></tr></table>		Recurring Charges	A. Monthly charges (total amount per month for service) \$1,075.19	B. How much of the amount in A is ineligible? \$0.00	C. Eligible monthly pre-discount amount (A minus B) \$1,075.19	D. Number of months service provided in funding year 12	E. Annual pre-discount amount for eligible recurring charges (C x D) \$12,902.28
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13 SPIN – Service Provider Identification Number 143000677									
14 Service Provider Name Verizon Wireless (Cellco Partnership)									
15a <input checked="" type="checkbox"/> Check this box if this Funding Request is for non-contracted tariffed or month-to-month services.									
15b Contract Number MTM									
15c <input type="checkbox"/> Check this box if this Funding Request is covered under a master contract (a contract negotiated by a third party, the terms and conditions of which are then made available to an eligible entity that purchases directly from the service provider).									
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17 Allowable Vendor Selection/Contract Date (mm/dd/yyyy) (based on Form 470 filing) 01/08/2014									
18 Contract Award Date (mm/dd/yyyy)									
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Entity Number: 140213	Applicant's Form Identifier: GrandView Y17
Contact Person: Karla Hall or Chris Webber	Contact Phone Number: (918) 445-0048

Block 5 (Continued):
24 Description of Broadband and other Connectivity Services Ordered for Schools and Libraries from this funding request

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Type of Connection	Number of lines included in this FRN	Download speed per line in Mbps
Cellular Wireless	19	1

b If the Internet service is available to students or patrons in more than just a single location or office, please indicate:

1. If the access is provided by wired connections, approximately what percentage of the school classroom or public library rooms included in the Block 4 worksheet for this FRN will have access to wired drops? 100 %
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c For consortia and statewide applications, do the connections in this FRN include the last mile connection to the school or library? ☐ Yes ☐ No
If no above, are these connections only for backbone connections? ☐ Yes ☐ No

Entity Number: 140213		Applicant's Form Identifier: GrandView Y17						
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048						
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13 SPIN – Service Provider Identification Number 143004662								
14 Service Provider Name Southwestern Bell Telephone Company								
15a <input type="checkbox"/> Check this box if this Funding Request is for non-contracted tarified or month-to-month services.								
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Entity Number: 140213	Applicant's Form Identifier: GrandView Y17
Contact Person: Karla Hall or Chris Webber	Contact Phone Number: (918) 445-0048

Block 5 (Continued):
24 Description of Broadband and other Connectivity Services Ordered for Schools and Libraries from this funding request

Complete the information below for this funding request only if requesting **Telecommunications Services** or **Internet Access** for the purpose of providing broadband and other types of connectivity to school and/or library facilities.

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Type of Connection	Number of lines included in this FRN	Download speed per line in Mbps

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c For consortia and statewide applications, do the connections in this FRN include the last mile connection to the school or library? ☐ Yes ☐ No
If **no** above, are these connections only for backbone connections? ☐ Yes ☐ No

Entity Number: 140213	Applicant's Form Identifier: GrandView Y17
Contact Person: Karla Hall or Chris Webber	Contact Phone Number: (918) 445-0048

Block 6: Certifications and Signature

25 ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (Check one or both.)

a ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38)**, that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or

b ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary, secondary schools, colleges, or universities.

26 ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a Total funding year pre-discount amount on this Form 471 (Add the entries from Items 23I on all Block 5 Discount Funding Requests.)	121676.28
b Total funding commitment request amount on this Form 471 (Add the entries from Items 23K on all Block 5 Discount Funding Requests.)	109508.65
c Total applicant non-discount share (Subtract Item 26b from Item 26a.)	12167.63
d Total budgeted amount allocated to resources not eligible for E-rate support	10000
e Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 26c and 26d.)	22167.63

f ☐ Check this box if you are receiving any of the funds in Item 26e directly from a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Item 26e.

27 ☐ I certify that, if required by Commission rules, all of the individual schools and libraries receiving services under this form are covered by technology plans that do or will cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body or an SLD-certified technology plan approver prior to the commencement of service.

Or ☒ I certify that no technology plan is required by Commission rules.

28 ☒ I certify that (if applicable) I posted my Form 470 and (if applicable) made any related RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.

29 ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

30 ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. §§ 54.500, 54.513. Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

31 ☒ I certify that I and the entity(ies) I represent have complied with all program rules, including recordkeeping requirements, and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

Entity Number: 140213		Applicant's Form Identifier: GrandView Y17	
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048	

Block 6: Certification and Signature (Continued)

32 ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

33 ☒ I certify that I will retain required documents for a period of at least five years (or whatever retention period is required by the rules in effect at the time of this certification) after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

34 ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

35 ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

36 ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504(g)(1), (2).

37 ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years as required by the Commission's rules at 47 C.F.R. § 54.506(c).

38 ☒ I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

39	Signature of authorized person <input type="checkbox"/>	40	Date
----	---	----	------

41 Printed name of authorized person Chris Webber

42 Title or position of authorized person Consultant

☐ Check here if the consultant in Item 6g is the Authorized Person.

43a Street Address, P.O. Box, or Route Number
PO Box 701713

City Tulsa
State OK Zip Code 74170-1713

Entity Number: 140213		Applicant's Form Identifier: GrandView Y17	
Contact Person: Karla Hall or Chris Webber		Contact Phone Number: (918) 445-0048	
43b	Telephone Number of authorized Person	(918) 445-0048	Ext.
43c	Fax Number of Authorized Person	(918) 445-0049	
43d	E-mail Address of authorized Person	info@crwconsulting.com	
	Re-enter E-mail Address	info@crwconsulting.com	
43e	Name of Authorized Person's Employer	CRW Consulting	
<p>NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504(c). The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.</p> <p>An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.</p> <p>The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.</p> <p>If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.</p> <p>If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.</p> <p>The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.</p> <p>Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.</p> <p>Please submit this form to: SLD-Form 471 P.O. Box 7026 Lawrence, Kansas 66044-7026</p> <p>For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to: SLD Forms ATTN: SLD Form 471 3833 Greenway Drive Lawrence, Kansas 66046 (888) 203-8100</p>			

FCC Form 471 - December 2013

Close Print Preview

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Exhibit 5: 2014 FCDL



Schools and Libraries Division



FUNDING COMMITMENT DECISION LETTER
(Funding Year 2014: 07/01/2014 - 06/30/2015)

April 27, 2016

Karla Hall or Chris Webber
GRAND VIEW SCHOOL DISTRICT 34
PO Box 701713
Tulsa, OK 74170-1713

Re: FCC Form 471 Application Number: 993103
Billed Entity Number (BEN): 140213
Billed Entity FCC Registration Number (FCC RN): 0012028006
Applicant's Form Identifier: GrandView Y17

Thank you for your Funding Year 2014 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the FCC Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$10,160.10 is "Approved."
- The amount, \$94,597.74 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Guide to USAC Letter Reports in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full.
- Review technology planning approval requirements.
- Review Children's Internet Protection Act (CIPA) requirements.
- File FCC Form 486.
- Invoice USAC using the FCC Form 474, Service Provider Invoice (SPI) Form, or FCC Form 472, Billed Entity Applicant Reimbursement (BEAR) Form, - as products and services are being delivered and billed.

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.

Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685
Visit us online at: www.usac.org/sl

2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - FCC Form 471 Application Number 993103 and the Funding Request Number (FRN) or Numbers as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2014," AND
 - The exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see "Appeals" in the Schools and Libraries section of the USAC website.

OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to Disposal or Trade-in of Equipment posted in the Reference Area of our website for more information.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company



FUNDING COMMITMENT REPORT
Billed Entity Name: GRAND VIEW SCHOOL DISTRICT 34
BEN: 140213
Funding Year: 2014

Comment on RAL corrections: The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 993103
Funding Request Number: 2710410
Funding Status: Funded
Category of Service: Telecommunications Service
FCC Form 470 Application Number: 374290001080343
SPIN: 143008823
Service Provider Name: SBC Long Distance, LLC.
Contract Number: n/a
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2014
Service End Date: N/A
Contract Award Date: 02/25/2013
Contract Expiration Date: 06/30/2015
Site Identifier: 84951
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$518.76
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$518.76
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$466.88 - FRN approved as submitted

FCDL Date: 04/27/2016
Wave Number: 080
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2017
Consultant Name: Karla Hall
Consultant Registration Number (CRN): 16024800
Consultant Employer: CRW Consulting

FUNDING COMMITMENT REPORT
Billed Entity Name: GRAND VIEW SCHOOL DISTRICT 34
BEN: 140213
Funding Year: 2014

Comment on RAL corrections: The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 993103
Funding Request Number: 2710411
Funding Status: Not Funded
Category of Service: Internet Access
FCC Form 470 Application Number: 707230001080416
SPIN: 143035519
Service Provider Name: Meet Point Networks LLC
Contract Number: n/a
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2014
Service End Date: N/A
Contract Award Date: 02/25/2013
Contract Expiration Date: 06/30/2018
Site Identifier: 84951
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$105,108.60
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$105,108.60
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$0.00 - Bidding Violation
Funding Commitment Decision Explanation: Based on documentation provided, FRN is denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. In determining which service offering is the most cost-effective, entities may consider relevant factors other than the pre-discount prices submitted by providers, but price should be the primary factor considered. The FCC further codified in the Ysleta Order that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to prices available commercially and stated that "there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances." You posted requests for 45 MB pipe over fiber on FCC Form 470# 707230001080416 and the associated RFP. You received a bid from Meetpoint offering these specific services at an amount of \$7,018.30 per month for 45 MBPS or \$8,759.50 for 100 MBPS, a bid from ATT offering these specific services at an amount of \$1,876.40 monthly for 100 MBPS and a bid Sky rider at a monthly rate of \$6,995 monthly for 100 MBPS. All bids are for the specific services requested on the Form 470. You selected a bid from Meetpoint for an amount of \$8,759.50 monthly for 100 MBPS. The bid chosen is over three times more costly than the bid offering from ATT. This violates the FCC requirement that applicants select the most cost-effective offering from the bids received absent extenuating circumstances. During the review you did not present extenuating circumstances which mitigates your bid choice.

FCDL Date: 04/27/2016
Wave Number: 080
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2017
Consultant Name: Karla Hall
Consultant Registration Number (CRN): 16024800
Consultant Employer: CRW Consulting

FUNDING COMMITMENT REPORT
Billed Entity Name: GRAND VIEW SCHOOL DISTRICT 34
BEN: 140213
Funding Year: 2014

Comment on RAL corrections: The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 993103
Funding Request Number: 2710412
Funding Status: Funded
Category of Service: Telecommunications Service
FCC Form 470 Application Number: 911870001177911
SPIN: 143000677
Service Provider Name: Verizon Wireless (Cellco Partnership)
Contract Number: MTM
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2014
Service End Date: 06/30/2015
Contract Award Date: N/A
Contract Expiration Date: N/A
Site Identifier: 84951
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$7,623.60
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$7,623.60
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$6,861.24 - ERN approved; modified by SLD
Funding Commitment Decision Explanation: The amount of the funding request was changed from \$1,075.19/month to \$635.30/month to remove services for a category of service not posted on the FCC Form 470 (\$439.89/month).

FCDL Date: 04/27/2016
Wave Number: 080
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2017
Consultant Name: Karla Hall
Consultant Registration Number (CRN): 16024800
Consultant Employer: CRW Consulting

FUNDING COMMITMENT REPORT
Billed Entity Name: GRAND VIEW SCHOOL DISTRICT 34
BEN: 140213
Funding Year: 2014

Comment on RAL corrections: The applicant did not submit any RAL corrections.

FCC Form 471 Application Number: 993103
Funding Request Number: 2710433
Funding Status: Funded
Category of Service: Telecommunications Service
FCC Form 470 Application Number: 374290001080343
SPIN: 143004662
Service Provider Name: Southwestern Bell Telephone Company
Contract Number: n/a
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2014
Service End Date: N/A
Contract Award Date: 02/25/2013
Contract Expiration Date: 06/30/2016
Site Identifier: 84951
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$3,146.64
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$3,146.64
Discount Percentage Approved by the USAC: 90%
Funding Commitment Decision: \$2,831.98 - FRN approved as submitted

FCDL Date: 04/27/2016
Wave Number: 080
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2017
Consultant Name: Karla Hall
Consultant Registration Number (CRN): 16024800
Consultant Employer: CRW Consulting

Exhibit 6: 2013 Notification of Commitment Adjustment Letter

Cheryl Beaman

GRAND VIEW SCHOOL DISTRICT 34

15481 NORTH JARVIC ROAD

TAHLEQUAH, OK 74464 9119



Notification of Commitment Adjustment Letter

Funding Year 2013: July 1, 2013 - June 30, 2014

May 20, 2016

Cheryl Beaman
GRAND VIEW SCHOOL DISTRICT 34
15481 NORTH JARVIC ROAD
TAHLEQUAH, OK 74464 9119

Re: Form 471 Application Number: 904812
Funding Year: 2013
Applicant's Form Identifier: Cheryl Internet
Billed Entity Number: 140213
FCC Registration Number: 0012028006
SPIN: 143035519
Service Provider Name: Meet Point Networks LLC
Service Provider Contact Person: Beverley Fielding

Our routine review of Schools and Libraries Program (SLP) funding commitments has revealed certain applications where funds were committed in violation of SLP rules.

In order to be sure that no funds are used in violation of SLP rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see <https://www.fcc.gov/encyclopedia/red-light-frequently-asked-questions>.

TO APPEAL THIS DECISION:

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC, your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRNs) you are appealing. Your letter of appeal must include the
 - Billed Entity Name,
 - Form 471 Application Number,
 - Billed Entity Number, and
 - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Program - Correspondence Unit
30 Lanidex Plaza West
PO Box 685
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, see "Appeals" in the "Schools and Libraries" section of the USAC website.

FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letters" posted at <http://www.usac.org/sl/tools/samples.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with SLP rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Program
Universal Services Administrative Company

cc: Beverley Fielding
Meet Point Networks LLC

**Funding Commitment Adjustment Report for
Form 471 Application Number: 904812**

Funding Request Number:	2461856
Services Ordered:	INTERNET ACCESS
SPIN:	143035519
Service Provider Name:	Meet Point Networks LLC
Contract Number:	9184565131
Billing Account Number:	9184565131
Site Identifier:	140213
Original Funding Commitment:	\$95,497.74
Commitment Adjustment Amount:	\$95,497.74
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$95,497.74
Funds to be Recovered from Applicant:	\$95,497.74
Funding Commitment Adjustment Explanation:	

After a thorough investigation, it has been determined that this funding commitment must be reduced by must be rescinded in full. Based on the documentation you provided during the Special Compliance Review, FRN 2584051 will be denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. In determining which service offering is the most cost-effective, entities may consider relevant factors other than the pre-discount prices submitted by providers, but price should be the primary factor considered. The FCC further codified in the Ysleta Order that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to prices available commercially and stated that there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances. You posted requests for 45 MB pipe over fiber on FCC Form 470# 707230001080416 and the associated RFP. You received a bid from Meetpoint offering these specific services at an amount of \$7,018.30 per month for 45 MBPS or \$8,759.50 for 100 MBPS, a bid from ATT offering these specific services at an amount of \$1,876.40 monthly for 100 MBPS and a bid Skyrider at a monthly rate of \$6,995 monthly for 100 MBPS. All bids are for the specific services requested on the Form 470. You selected a bid from Meetpoint for an amount of \$8,759.50 monthly for 100 MBPS. The bid chosen is over three times more costly than the bid offering from ATT. This violates the FCC requirement that applicants select the most cost-effective offering from the bids received absent extenuating circumstances. During the review you did not present extenuating circumstances which mitigates your choice of a bid over two to three times greater than the price available from another commercial vendor. Therefore, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.

Exhibit 7: ADL's



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2013-2014

August 05, 2016

Chris Webber
Grand View Sch Dist 134
CRW Consulting, LLC
PO Box 701713
Tulsa, OK 74170-1713

Re: Applicant Name: GRAND VIEW SCHOOL DISTRICT 34
Billed Entity Number: 140213
Form 471 Application Number: 904812
Funding Request Number(s): 2461856
Your Correspondence Dated: July 17, 2016

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2013 Notification of Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2461856
Decision on Appeal: **Denied**
Explanation:

- After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. Based on the documentation you provided during the Special Compliance Review, FRN 2461856 will be denied because you did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. In determining which service offering is the most cost-effective, entities may consider relevant factors other than the pre-discount prices submitted by providers, but price should be the primary factor considered. The FCC further codified in the Ysleta Order that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids

received. The selected bid must itself be cost-effective compared to prices available commercially and stated that there may be situations where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost-effective, absent extenuating circumstances. You posted requests for 45 MB pipe over fiber on FCC Form 470#707230001080416 and the associated RFP. You received a bid from Meetpoint offering these specific services at an amount of \$7,018.30 per month for 45 MBPS or \$8,759.50 for 100 MBPS, a bid from ATT offering these specific services at an amount of \$1,876.40 monthly for 100 MBPS and a bid Skyrider at a monthly rate of \$6,995 monthly for 100 MBPS. All bids are for the specific services requested on the Form 470. You selected a bid from Meetpoint for an amount of \$8,759.50 monthly for 100 MBPS. The bid chosen is over three times more costly than the bid offering from ATT. This violates the FCC requirement that applicants select the most cost-effective offering from the bids received absent extenuating circumstances. During the review you did not present extenuating circumstances which mitigates your choice of a bid over two to three times greater than the price available from another commercial vendor. Therefore, the commitment has been rescinded in full and USAC will seek recovery of any improperly disbursed funds from the applicant.

- FCC rules state that, in selecting a service provider, the applicant must carefully consider all bids submitted and must select the most cost-effective service or equipment offering, with price being the primary factor, which will result in being the most cost-effective means of meeting educational needs and the technology plan goals. *See* 47 C.F.R. secs. 54.511(a), 54.503(c)(2)(vii), 54.504(a)(1)(xi). *See* also Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District, El Paso, Texas, et al., Federal-State Joint Board of Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., SLD Nos. 321479, et al., CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 26407, FCC 03-313 paras. 47-55 (Dec. 8, 2003). Service providers shall not charge the entities a price above the lowest corresponding price. *See* 47 C.F.R. sec. 54.511(b). In order to ensure that applicants are not requesting discounts for services beyond their reasonable needs, USAC denies funding request(s) for not being cost-effective. The costs of the products and services in a funding request should not be significantly higher than the costs generally available in the applicant's marketplace for the same or similar products or services. For example, equipment at prices two or three times greater than the prices available from commercial vendors would not be cost effective, unless there were extenuating circumstances. *See* Ysleta Order para. 54.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference

Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

cc: Cheryl Beaman



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2014-2015

July 19, 2016

Chris Webber
CRW Consulting
P.O. Box 701713
Tulsa, OK 74170-1713

Re: Applicant Name: GRAND VIEW SCHOOL DISTRICT 34
Billed Entity Number: 140213
Form 471 Application Number: 993103
Funding Request Number(s): 2710411
Your Correspondence Dated: June 24, 2016

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2014 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2710411
Decision on Appeal: **Denied**
Explanation:

- Based on documentation provided, the FRN was denied because the applicant did not select the most cost-effective bid proposal. FCC rules state that in selecting a provider of eligible services, applicants must carefully consider all bids submitted and must select the most cost-effective service offering. In determining which service offering is the most cost-effective, entities may consider relevant factors other than the pre-discount prices submitted by providers, but price should be the primary factor considered. The FCC further codified in the Ysleta Order that in evaluating bids from prospective service providers, applicants must select the most cost-effective offering from the bids received. The selected bid must itself be cost-effective compared to prices available commercially and stated that "there may be situations" where the price of services is so exorbitant that it cannot, on its face, be cost-effective. For instance, a proposal to sell at prices two to three times greater than the prices available from commercial vendors would not be cost-

effective, absent extenuating circumstances." Applicant posted requests for 45 MB pipe over fiber on FCC Form 470# 707230001080416 and the associated RFP. Applicant received a bid from Meetpoint offering these specific services at an amount of \$7,018.30 per month for 45 MBPS or \$8,759.50 for 100 MBPS, a bid from ATT offering these specific services at an amount of \$1,876.40 monthly for 100 MBPS and a bid Skyriders at a monthly rate of \$6,995 monthly for 100 MBPS. All bids are for the specific services requested on the Form 470. Applicant selected a bid from Meetpoint for an amount of \$8,759.50 monthly for 100 MBPS. The bid chosen is over three times more costly than the bid offering from ATT. This violates the FCC requirement that applicants select the most cost-effective offering from the bids received absent extenuating circumstances. During the review applicant did not present extenuating circumstances which mitigates your bid choice. In your appeal, you did not demonstrate that USAC's decision was incorrect. Consequently, your appeal is denied.

- FCC rules state that, in selecting a service provider, the applicant must carefully consider all bids submitted and must select the most cost-effective service or equipment offering, with price being the primary factor, which will result in being the most cost-effective means of meeting educational needs and the technology plan goals. *See* 47 C.F.R. secs. 54.511(a), 54.503(c)(2)(vii), 54.504(a)(1)(xi). *See* also Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District, El Paso, Texas, et al., Federal-State Joint Board of Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., SLD Nos. 321479, et al., CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 26407, FCC 03-313 paras. 47-55 (Dec. 8, 2003). Service providers shall not charge the entities a price above the lowest corresponding price. *See* 47 C.F.R. sec. 54.511(b). In order to ensure that applicants are not requesting discounts for services beyond their reasonable needs, USAC denies funding request(s) for not being cost-effective. The costs of the products and services in a funding request should not be significantly higher than the costs generally available in the applicant's marketplace for the same or similar products or services. For example, equipment at prices two or three times greater than the prices available from commercial vendors would not be cost effective, unless there were extenuating circumstances. *See* Ysleta Order para. 54.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division

Exhibit 8: Bid Evaluations

Erate Year 2013 – INTERNET BID EVALUATION SHEET

1. Company that has submitted bid: ____AT&T_Internet Services
2. Service level (bandwidth) of eligible goods and services from the bid that is being evaluated:
_____100 Mbps_____
3. Price of eligible goods and services that is being evaluated: ____\$1,876.40 / Month_____
4. Ineligible goods and services being evaluated: N/A_____
5. Price of ineligible goods and services that is being evaluated: ____\$0.00_____

If no ineligible services are included in the bid being evaluated award the maximum points available in this category.

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS AND SERVICES	25	21
PRICE OF INELIGIBLE GOODS AND SERVICES	15	15
SERVICE HISTORY	20	4
EXPERTISE OF COMPANY	20	4
UNDERSTANDING OF NEEDS/COMPLETENESS OF BIDS	20	18
ONSITE CONFIGURATION/TURN UP OF SERVICE	10	9
TOTAL POINTS	150	71

Erate Year 2013 – INTERNET BID EVALUATION SHEET

1. Company that has submitted bid: ____MeetPoint Networks____
2. Service level (bandwidth) of eligible goods and services from the bid that is being evaluated:
_____100 Mbps_____
3. Price of eligible goods and services that is being evaluated: ____\$8,759.05 / Month_____
4. Ineligible goods and services being evaluated: N/A_____
5. Price of ineligible goods and services that is being evaluated: ____\$0.00_____

If no ineligible services are included in the bid being evaluated award the maximum points available in this category.

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS AND SERVICES	25	18
PRICE OF INELIGIBLE GOODS AND SERVICES	15	15
SERVICE HISTORY	20	16
EXPERTISE OF COMPANY	20	18
UNDERSTANDING OF NEEDS/COMPLETENESS OF BIDS	20	20
ONSITE CONFIGURATION/TURN UP OF SERVICE	10	10
TOTAL POINTS	150	97

Erate Year 2013 – INTERNET BID EVALUATION SHEET

1. Company that has submitted bid: ____SkyRider Communications____
 2. Service level (bandwidth) of eligible goods and services from the bid that is being evaluated:
_____100 Mbps_____
 3. Price of eligible goods and services that is being evaluated: ____\$6,995 / Month_____
 4. Ineligible goods and services being evaluated: N/A_____
 5. Price of ineligible goods and services that is being evaluated: ____\$0.00_____
- If no ineligible services are included in the bid being evaluated award the maximum points available in this category.*

Evaluation Factor	Maximum Points	Total Awarded Points
PRICE OF ELIGIBLE GOODS AND SERVICES	25	19
PRICE OF INELIGIBLE GOODS AND SERVICES	15	15
SERVICE HISTORY	20	12
EXPERTISE OF COMPANY	20	12
UNDERSTANDING OF NEEDS/COMPLETENESS OF BIDS	20	18
ONSITE CONFIGURATION/TURN UP OF SERVICE	10	9
TOTAL POINTS	150	85